

23026
U.S. PTO
013004

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.	P-025-US4
First Inventor	Edmund J. MORAN
Title	BETA 2-ADRENERGIC RECEPTOR AGONISTS
Express Mail Label No.	EV 312852410 US

22264
0769P19
S P T O

013004

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)

2. Applicant claims small entity status.
See 37 CFR 1.27.

3. Specification [Total Pages 160]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure

4. Drawing(s) (35 U.S.C. 113) [Total Sheets 10]

5. Oath or Declaration [Total Sheets 3]
 a. Newly executed (original or copy)
 b. Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 i. DELETION OF INVENTOR(S)
 Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:
 Mail Stop Patent Application
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

- Computer Readable Form (CRF)
- Specification Sequence Listing on:
 - CD-ROM or CD-R (2 copies); or
 - Paper
- Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. Assignment Papers (cover sheet & document(s))

10. 37 C.F.R. 3.73(b) Statement Power of Attorney
(when there is an assignee)

11. English Translation Document (if applicable)

12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations

13. Preliminary Amendment

14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.

17. Other: Application Cover Sheet- 1 page

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)
of prior application No: 09/674,451

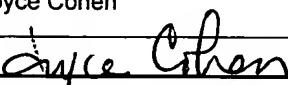
Prior application information: Examiner: Maurie Garcia Baker

Art Unit: 1639

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number	27038	OR <input type="checkbox"/> Correspondence address below			
Name	Joyce Cohen, Reg. No. 44,622				
Address	Theravance, Inc.				
	901 Gateway Boulevard				
City	South San Francisco	State	CA	Zip Code	94080
Country	USA	Telephone	(650) 808-6000	Fax	(650) 808-6078

Name (Print/Type)	Joyce Cohen	Registration No. (Attorney/Agent)	44,622
Signature			Date

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 515)

Complete if Known	
Application Number	To be assigned
Filing Date	Even date herewith
First Named Inventor	Edmund J. MORAN
Examiner Name	To be assigned
Art Unit	To be assigned
Attorney Docket No.	P-025-US4

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Other None
 Order
 Deposit Account:

Deposit Account Number 50-0344

Deposit Account Name Theravance, Inc.

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity
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Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	385
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 385)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	10	-20 **	=	0	X	9	=	0	Extra Claims	Fee from below	Fee Paid
Independent Claims	1	-3 **	=	0	X	43	=	0			
Multiple Dependent					X		=	0			

Large Entity	Small Entity
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Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$ 0)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity
Fee Code	Fee (\$)
1051	130
1052	50
1053	130
1812	2,520
1804	920*
1805	1,840*
1251	110
1252	420
1253	950
1254	1,480
1255	2,010
1401	330
1402	330
1403	290
1451	1,510
1452	110
1453	1,330
1501	1,330
1502	480
1503	640
1460	130
1807	50
1806	180
8021	40
1809	770
1810	770
1801	770
1802	900

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 130)

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Joyce Cohen	Registration No. (Attorney/Agent)	44,622	Telephone	(650) 808-6000
Signature	<i>Joyce Cohen</i>			Date	January 30 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Certificate of Mailing by Express Mail	
Express Mail Label No.: EV 312852410 US	
I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.	
By:	<u>Barbara Bryant</u>
Barbara Bryant	
Date:	<u>January 30, 2004</u>

Patent
Attorney Docket No.: P-025-US4
Customer No.: 27038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Edmund J. MORAN et al.)	Group Art Unit: To be assigned
)	
Application No.: To be assigned)	Examiner: To be assigned
)	
Filed: Even date herewith)	
)	
For: Beta 2-ADRENERGIC RECEPTOR)	
AGONISTS)	

DELETION OF INVENTOR(S)

PETITION DELETING CORRECTLY NAMED PERSON(S) WHO ARE
NOT INVENTOR(S) OF INVENTION NOW BEING CLAIMED
(37 CFR § 1.48(b))

Mail Stop Patent Application
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Applicants herein request under 37 C.F.R. § 1.48(b) to change inventorship in the above-identified application to delete John H. Griffin as an inventor of the subject matter claimed in the above-identified application .

Dr. Griffin was correctly named as an inventor of the above-identified application at the time it was filed. Applicants request that John H. Griffin be deleted as an inventor because he is not an inventor of the invention now being claimed.

The remaining named inventors, Edmund J. Moran and Seok-Ki Choi are correctly named as inventors of the claimed invention.

Authorization has been made on the Fee Transmittal Sheet herewith to charge the petition fee of \$130.00 to Deposit Account No. 50-0344. The Commissioner is also hereby authorized to charge any additional fees under 37 CFR §§1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-0344. This paper is submitted in duplicate.

Respectfully submitted,

Date: January 30 2004

By: Joyce Cohen
Joyce Cohen, Reg. No. 44,622

THERAVANCE, INC.
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